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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76293327
Applicant	Prema Jyothi Light
Applied for Mark	SHIMMERING RAINFOREST
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Submission	RESPONSE TO ORDER & REQUEST FOR FURTHER STAY IN PROCEEDINGS DUE TO EXTRAORDINARY CIRCUMSTANCES
Attachments	SHRF RESPONSE & REQ4STAY 060611.pdf (6 pages)(20669 bytes)
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Date	06/06/2011

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NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING RAINFOREST

SERIAL NUMBERS: 76293327

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**RESPONSE TO TTAB ORDER DATED MARCH 4, 2011,
& REQUEST FOR FURTHER STAY IN THE PROCEEDINGS
FOR SHIMMERING RAINFOREST,
DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND APPLICANT'S CONTROL**

1. **THIS RESPONSE IS BEING SUBMITTED SIMULTANEOUSLY VIA ESTTA WITH ONE (2) OTHER DOCUMENTS ON BEHALF OF THE TRADEMARK SHIMMERING RAINFOREST, IN RESPONSE TO TTAB ORDER DATED MARCH 4, 2011.** These documents are:
 - 1) REQUEST FOR CORRECTION OF TMEP VIOLATIONS BY USPTO EMPLOYEES' UNAUTHORIZED DELETION OF THE ONLINE TTABVUE RECORDS FOR SHIMMERING RAINFOREST.
 - 2) A (REFILED) REQUEST FOR RECONSIDERATION FOR THE TRADEMARK SHIMMERING RAINFOREST, offered as a parallel document to the (REFILED) REQUEST FOR RECONSIDERATION FOR THE TRADEMARK SHIMMERING BALLERINAS & DANCERS, which is being filed today, to help facilitate parallel handling and tandem movement of the two Trademarks through the review process.
2. **FOUR OTHER DOCUMENTS ARE BEING SIMULTANEOUSLY FILED VIA ESTTA TODAY ON BEHALF OF THE RELATED SISTER TRADEMARK SHIMMERING BALLERINAS & DANCERS.** These documents are:

- 1) RESPONSE TO TTAB ORDER DATED MARCH 4, 2011, & REQUEST FOR FURTHER STAY IN THE PROCEEDINGS FOR SHIMMERING RAINFOREST, DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND APPLICANT'S CONTROL;
- 2) APPLICANT RESPECTFULLY DISPUTES THE ALLEGATION THAT THE PDF FOR THE REQUEST FOR RECONSIDERATION WAS NOT ATTACHED TO THE FILING DATED DECEMBER 15, 2011 FOR THE TRADEMARK SHIMMERING BALLERINAS & DANCERS; HOWEVER, THE (REFILED) REQUEST FOR RECONSIDERATION IS BEING TIMELY REFILED TODAY AS A SEPARATE DOCUMENT IN RESPONSE TO THE TTAB ORDERS DATED MARCH 2, 2011 & MARCH 4, 2011;
- 3) (RE-FILED) REQUEST FOR RECONSIDERATION FOR THE TRADEMARK SHIMMERING BALLERINAS & DANCERS, IN RESPONSE TO TTAB ORDERS DATED MARCH 2, 2011 & MARCH 4, 2011;
- 4) REQUEST FOR CORRECTION OF TMEP VIOLATIONS BY USPTO EMPLOYEES' UNAUTHORIZED DELETION OF THE ONLINE TTABVUE RECORDS FOR SHIMMERING BALLERINAS & DANCERS.

Please note that all of the pdf's for these documents are being carefully attached to their respective filings. Each stage of each filing is being image-captured by Applicant to document the step-by-step process for completing each ESTTA filing, including the successful attachment of any pdf's referenced in each filing. These image-captures can serve as evidence of the successful attachment of the pdf's in case of any future disputes in this regard.

2. **THE HONESTY OF SOME MEMBERS OF THE PTO HAVE NOW BECOME A MATTER OF SINCERE CONCERN, WITH REGARD TO MY TRADEMARK CASES.**

I notice that my online records for my Trademark cases have DISAPPEARED FROM TTABVUE. Why is this? It seems as if this could be evidence of mishandling of my case documents from within the USPTO. If someone were merely trying to protect me, they would have tried to do this legally, but there is no request for judicial intervention authorizing this, and I have never been consulted about it.

And, since some of the plagiarizers have been bragging that they now "have someone on the inside at the PTO" who is willing to tamper with my filings and samples – and made sure that this brag got back to me – I have to wonder if this is true!

If I am not able to see my filings online, I would have no idea if "someone on the inside at the PTO" were tampering with my filings in some way. I need to be able to verify if what is going up online, in TTABVUE, is the same as what I have submitted via ESTTA, or if there is any dishonesty taking place on the part of USPTO staff members.

Why would I even worry about this? In addition to this brag, on the part of some of the plagiarizers, that they know someone in the USPTO willing to tamper with my filings, the following are now of sincere concern to me, in this regard:

- 1) Why was there a delay of over three months in processing the filing dated June 21, 2010 for SHIMMERING RAINFOREST? No explanation has ever been given for this.
- 2) Why would a paralegal or clerk suddenly decide that a pdf which was definitely attached to my REQUEST FOR RECONSIDERATION for SHIMMERING BALLERINAS & DANCERS was not attached? When did this disappear from my case files? The document was not only filed – it was responded to by the Examining Attorney for the case! If this were not filed, why would anyone wait over 14 months to call this to my attention? I do all of my filings myself, step by step. The whole purpose of this filing, was to file the pdf! I did not “forget” to do it! The system confirmed that this was attached. Has my paperwork been mishandled, accidentally or deliberately?
- 3) Why would ALL records for BOTH of my Trademark cases just disappear from TTABVUE – just before the submission of my specimens was expected? So that I wouldn’t be able to tell if my specimens were tampered with? With no formal authorization for doing this? And without even a request from me that they do this? Could this be an incident of deliberate tampering with or mishandling of the paperwork for my cases – AGAIN?

I hope you see why I would be concerned about possible deliberate mishandling of the paperwork for my Trademark cases! The other documents which I am filing in this Trademark case today further deal with these issues specifically.

TMEP § 109 references 18 USC § 2071, and provides serious penalties, including imprisonment, for anyone working for the PTO who deliberately “willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so” to any paper or document filed with the PTO. It is highly illegal for any employees of the PTO to do anything this.

3. **THESE DOCUMENTS ARE BEING SUBMITTED TIMELY, IN ACCORD WITH THE DEADLINE SET IN THE TTAB ORDER DATED MARCH 4, 2011, AND IN ACCORD WITH TMEP § 310.**

The actual due date for response was June 4, 2011, which fell on a Saturday. TMEP § 310 holds that: “If a response or fee is due on a Saturday, Sunday, or a Federal holiday within the District of Columbia, the response or fee is considered timely if it is received on the following day that is not a Saturday, Sunday or a Federal holiday within the District of Columbia. 35 USC § 21(b)’ 37 CFR § 2.196.”

4. **APPLICANT HEREBY REQUESTS A FURTHER STAY IN THE PROCEEDINGS DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND APPLICANT’S CONTROL.**

As explained in Applicant’s RESPONSE TO TTAB ORDER DATED March 2, 2011 & REQUEST FOR STAY IN THE PROCEEDINGS, dated March 4, 2011, I have been the victim of death threats by people who have been plagiarizing my creative works and monitoring the progress of my Trademark cases online. It was my hope to be able to move out-of-state, in order to be able to more safely continue in my appeals for registration of my Trademarks.

However, as I am still in recovery from earlier car crash injuries and other unexpected accidents, and on crutches with foot injuries, I am currently deemed physically disabled and have to reside in subsidized housing.

Unfortunately, the waiting lists for such housing are long. Despite my sincere and diligent efforts to locate other subsidized housing out-of-state, making dozens and dozens of calls, hoping for something available promptly, I have not yet been able to find any comparable affordable housing available within the timeframe set by the TTAB in its ORDER dated March 4, 2011.

I would have been able to afford more costly housing if my creative works had not been plagiarized by unethical people. My income has been badly affected by the unjust and deliberate copyright and trademark infringement by others.

I cannot just move into another normal apartment, as I would have been able to before I was injured in the car accidents. At this point in time, I am still injured and, unfortunately, would have to be able to move into another subsidized apartment. My injuries include an injured wrist, neck and back, as well as two injured knees and feet.

At the present time, I am living in a large metropolitan area (Aurora, adjacent to Denver), in a neighborhood which is sometimes riddled with gang gunfire at night. One day, I was told that the previous evening, there were some gang members armed with “glocks”, chasing some poor fellow through the streets. (I had to ask what these were, as I thought this might refer to glockenspiels, a musical instrument which I was familiar with as a harpist who has played in orchestras!) The gang members were firing shots, and a fellow tenant in my building would have been accidentally killed by a stray bullet which came through his living room window, if he had been sitting in his usual chair, watching TV. Luckily he was not home that night! God’s blessings were with me too, and I was not home that evening either. This is a rough neighborhood!

I am well aware of the need for interfaith and inter-racial understanding, especially in urban areas, and this is one reason that, as an author and illustrator, I have created so many characters of different religions and races. I never, never would have thought that this would make me a target for violence from other people in other races who have wanted to STEAL THE CHARACTERS which were only created in hopes of making the world a better place, and promoting interfaith and interracial understanding! How could this happen? WHY would this happen?

It’s kind of like, the Red Cross goes into a war-torn area, bringing food and tents and blankets, and then the people they sincerely hope to help, and came to help – go and threaten the aid workers. No, no, no. Don’t threaten the people who are trying to help you!

This is where faith in God is much needed.

One of my email addresses is “gloriouslybrightfaithlight”. Some of my neighbors have stolen even this, and have threatened to harm me if I don’t let them “have” my email designations. But, if they truly have “gloriouslybrightfaithlight”, why would they want to STEAL THIS EMAIL ADDRESS and HARM THE GIRL WHO CAME UP WITH THIS to keep her from challenging their theft? Doesn’t it occur to them that God would not be happy with them for this? And that “gloriouslybrightfaithlight” means – NOT DOING THINGS LIKE THAT TO ANYONE???

Some of the worst of these people do not want me to continue with my Trademark cases, period. They have computers, they are closely following my cases online, and they want me to fail in my attempts to receive trademark registration so that they can get away with their wrongful theft of my creative works. But, we are “livin’ in the USA”, where truth and justice are still supposed to stand for something. And, we are living in a universe with God in it. This definitely means something!

However, I need to move out of this immediate danger zone, to safely continue prosecuting my Trademark appeals, without being in danger of being killed by people in this area who have been plagiarizing my work, who are guilty of wrongful gain, and apparently want to harm me to protect their future income from the stolen creative works.

Yet, the waiting lists for any affordable, out-of-state, subsidized housing are quite long.

In the normal conduct of business, on a day-to-day basis, hopefully no plagiarism is taking place, authors and illustrators are not threatened for simply publishing their own works or using characters which they have, in all honesty, created, and the authors and illustrators are not endangered for simply trying to receive registration for their trademarks.

That is why these circumstances, which I have found myself in, through no fault of my own, should be considered extraordinary circumstances. No one would want to have to go through this. It is unfair for unethical people to put me through this. However, we do not live in a perfect world!

Despite my best efforts, I have still not yet been able to locate the needed subsidized housing out-of-state, because of the very long waiting lists for such housing. This is not due to any carelessness or inattention on my part, in trying to locate other affordable and safer housing.

So the reasons for my delay in sending in the needed specimens are not at all frivolous, and actually quite serious. I am making every effort to relocate promptly.

This is why I find that I have to request another six-month stay in the proceedings, in hopes that this will enable me to move to safety before the specimens which I wish to submit in support of my Trademarks go online as a matter of public record, in accord with provisions of the TMEP. A thirty-day stay or three-month stay would not help, in the present circumstances.

There is a possibility that six months may not be quite enough, for my name to come up on the waiting lists for subsidized housing as it comes available. I am feeling quite endangered here, and truly wish that I could move sooner. I am diligently continuing to try to locate affordable subsidized housing, but have to be able to afford the costs of moving too, and in an injured condition.

WHEREFORE, as Appellant in this case, I find that I again have to respectfully and sincerely request a further Stay in these proceedings so that I can safely continue to prosecute these Trademark registration cases with the USPTO, peacefully and in accord with all known laws.

What I am experiencing is a serious life-or-death situation. I believe the federal courts would judge this to be a valid basis for this Request for Further Stay in the Proceedings.

I am sincerely and deeply interested in moving my TTAB cases forward, but hopefully without being killed in the process. These Trademark cases have been ongoing for ten years.

Please do not throw my Trademark cases out over my difficulty in promptly finding a safer place to live while prosecuting my Trademark registration cases, unfortunately under death threats. This whole situation is a result of the wrongdoing of others.

Your kind assistance in granting another Stay in the Proceedings would be deeply appreciated, and would further the interests of truth and justice, and the flowering of honest creative work in this country. Thank you for your kind review of this very serious situation.

Dated: Monday, June 6, 2010

Very respectfully submitted,

/ Prema Jyothi Light /

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